

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

- - -
HONORABLE THOMAS J. WHELAN
UNITED STATES DISTRICT JUDGE PRESIDING
- - -

UNITED STATES OF AMERICA,)
)
 PLAINTIFF,)
)
 VS.) NO. 10CR1372W
)
 JONATHAN LEAL-DEL CARMEN,)
)
 DEFENDANT.)
 _____)

JURY TRIAL - DAY FOUR
REPORTER'S TRANSCRIPT OF PROCEEDINGS
NOVEMBER 19, 2010
SAN DIEGO, CALIFORNIA

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1 APPEARANCES OF COUNSEL:

2 ON BEHALF OF PLAINTIFF:

3 LAURA E. DUFFY
4 UNITED STATES ATTORNEY
5 BY: MR. STEPHEN MILLER, ESQ.
6 ASSISTANT UNITED STATES ATTORNEYS
7 880 FRONT STREET
8 FIFTH FLOOR
9 SAN DIEGO, CA 92101

7 ON BEHALF OF DEFENDANT:

8 FEDERAL DEFENDERS OF SAN DIEGO
9 BY: MR. HANNI M. FAKHOURY, ESQ.
10 BY: MR. DAVID M.C. PETERSON, ESQ.
11 225 W. BROADWAY
12 ST. 900
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1 THE COURT: GOOD AFTERNOON, LADIES AND GENTLEMEN.
2 THIS IS THE MATTER OF THE UNITED STATES VERSUS JONATHAN
3 LEAL-DEL CARMEN. THE COURT FINDS COUNSEL ARE PRESENT,
4 MR. LEAL IS PRESENT, ALL MEMBERS OF THE JURY PANEL ARE
5 PRESENT. MY BAILIFF INFORMS ME THE JURORS HAVE REACHED A
6 DECISION. WHO'S YOUR FOREPERSON? MR. ****, WOULD YOU HAND
7 THE FORMS TO THE CLERK, PLEASE. SHE WILL COME OVER AND GET
8 THEM FROM YOU.

9 THE CLERK CAN READ THE VERDICTS.

10 MADAM CLERK: UNITED STATES DISTRICT COURT,
11 SOUTHERN DISTRICT OF CALIFORNIA, CASE NO. 10CR1372W, UNITED
12 STATES OF AMERICA VERSUS JONATHAN LEAL-DEL CARMEN. WE THE
13 JURY IN THE ABOVE ENTITLED CAUSE FIND THE DEFENDANT, JONATHAN
14 LEAL-DEL CARMEN, NOT GUILTY OF BRINGING IN ILLEGAL ALIENS FOR
15 FINANCIAL GAIN, AS CHARGED IN COUNT ONE OF THE INDICTMENT.
16 GUILTY OF BRINGING IN ILLEGAL ALIENS WITHOUT PRESENTATION, AS
17 CHARGED IN COUNT TWO OF THE INDICTMENT. NOT GUILTY OF
18 BRINGING IN ILLEGAL ALIENS FOR FINANCIAL GAIN, AS CHARGED IN
19 COUNT THREE OF THE INDICTMENT. GUILTY OF BRINGING IN ILLEGAL
20 ALIENS WITHOUT PRESENTATION, AS CHARGED IN COUNT FOUR OF THE
21 INDICTMENT. NOT GUILTY OF BRINGING IN ILLEGAL ALIENS FOR
22 FINANCIAL GAIN, AS CHARGED IN COUNT FIVE OF THE INDICTMENT.
23 GUILTY OF BRINGING IN ILLEGAL ALIENS WITHOUT PRESENTATION, AS
24 CHARGED IN COUNT SIX OF THE INDICTMENT. DATED NOVEMBER 19,
25 2010, AT SAN DIEGO, CALIFORNIA. THE PRESIDING JUROR IS

1 ROBERT CLAY ****.

2 LADIES AND GENTLEMEN OF THE JURY, IS THIS YOUR
3 VERDICT, AS PRESENTED AND READ, AS TO VERDICT, SO SAY YOU
4 ALL?

5 THE JURY: YES.

6 THE COURT: DOES EITHER PARTY WANT THE JURY POLLED?

7 MR. MILLER: NOT BY THE GOVERNMENT.

8 MR. FAKHOURY: YES, YOUR HONOR.

9 THE COURT: LADIES AND GENTLEMEN, WHEN YOUR NAME IS
10 CALLED WOULD YOU ANSWER YES OR NO TO THE FOLLOWING QUESTION,
11 WERE THESE AND ARE THESE YOUR VERDICTS AS READ.

12 MADAM CLERK: MR. WARREN ****, IS THAT YOUR VERDICT
13 AS PRESENTED AND READ?

14 JUROR NO. 1: YES, IT IS.

15 MADAM CLERK: ANGELICA ****, IS THAT YOUR VERDICT
16 AS PRESENTED AND READ?

17 JUROR NO. 2: YES.

18 MADAM CLERK: DORIS ****, IS THIS YOUR VERDICT AS
19 PRESENTED AND READ?

20 JUROR NO. 3: YES.

21 MADAM CLERK: MS. SHIRLEY ****, IS THIS YOUR
22 VERDICT AS PRESENTED AND READ?

23 JUROR NO. 4: YES.

24 MADAM CLERK: MS. ELLEN ****, IS THIS YOUR VERDICT
25 AS PRESENTED AND READ?

1 JUROR NO. 5: YES.

2 MADAM CLERK: MR. ROBERT ****, IS THAT YOUR VERDICT
3 AS PRESENTED AND READ?

4 JUROR NO. 6: YES.

5 MADAM CLERK: MS. DONNA ****, IS THAT YOUR VERDICT
6 AS PRESENTED AND READ?

7 JUROR NO. 7: YES.

8 MADAM CLERK: MR. ROBERT ****, IS THAT YOUR VERDICT
9 AS PRESENTED AND READ?

10 JUROR NO. 8: YES.

11 MADAM CLERK: MS. KATHRYN ****, IS THIS YOUR
12 VERDICT AS PRESENTED AND READ?

13 JUROR NO. 9: YES.

14 MADAM CLERK: MS. BONNIE ****, IS THIS YOUR VERDICT
15 AS PRESENTED AND READ?

16 JUROR NO. 10: YES.

17 MADAM CLERK: MS. SANDRA ****, IS THAT YOUR VERDICT
18 AS PRESENTED AND READ?

19 JUROR NO. 11: YES.

20 MADAM CLERK: MR. MAHMOOD ****, IS THAT YOUR
21 VERDICT AS PRESENTED AND READ?

22 JUROR NO. 12: YES.

23 THE COURT: RECORD THE VERDICTS.

24 MADAM CLERK: THE VERDICT IS RECORDED.

25 THE COURT: DO COUNSEL WAIVE READING OF THE

1 VERDICTS AS RECORDED?

2 MR. MILLER: YES.

3 MR. FAKHOURY: YES, YOUR HONOR.

4 THE COURT: LADIES AND GENTLEMEN, I WOULD LIKE TO
5 THANK YOU VERY MUCH FOR YOUR SERVICE AS JURORS IN THIS
6 MATTER. I KNOW THAT IT'S AN INCONVENIENCE TO ALL OF YOUR
7 DAILY SCHEDULES TO DO JURY SERVICE, BUT FOR WHATEVER IT'S
8 WORTH, I ACTUALLY DO JURY SERVICE IN STATE COURT. I
9 UNDERSTAND WHAT YOU GO THROUGH AND I APPRECIATE YOUR
10 WILLINGNESS TO DO IT. I KNOW THAT YOU PAID CLOSE ATTENTION
11 TO THIS CASE, THAT YOU GAVE IT YOUR ALL, AND I CERTAINLY, ON
12 BEHALF OF MYSELF AND MOST IMPORTANTLY THE OTHER CITIZENS OF
13 THIS DISTRICT, THANK YOU FOR YOUR WILLINGNESS TO DO JURY
14 SERVICE.

15 AS YOU HEARD ME TELL THE PANEL EARLIER, THEY GIVE
16 ME A LOT OF AUTHORITY BUT I CAN'T GET YOU OUT OF JURY DUTY,
17 UNFORTUNATELY. YOU HAVE TO REPORT BACK ACROSS THE STREET.
18 I'M SURE THAT YOU ARE THROUGH AT LEAST FOR THE TIME BEING.

19 IF YOU WOULD LIKE TO KEEP YOUR NOTES, YOU ARE
20 WELCOME TO DO THAT. IF YOU DON'T WANT THEM, THEY ARE
21 SHREDDDED, NO ONE HAS ACCESS TO THEM. YOU CAN KEEP THE
22 NOTEBOOK IF YOU WANT, THAT'S FINE, TOO.

23 YOU ARE RELEASED FROM THE ADMONITION. YOU ARE FREE
24 TO DISCUSS THE CASE WITH ANYONE YOU SEE FIT. YOU ARE UNDER
25 NO OBLIGATION TO TALK TO ANYBODY ABOUT IT. THAT'S STRICTLY

1 UP TO YOU.

2 IF YOU WANT TO TALK TO THE LAWYERS, THEY WILL BE
3 OUT IN FRONT OF THE COURTROOM WITHIN A MINUTE OR SO AFTER I
4 RELEASE YOU. IF YOU DON'T WANT TO TALK TO THEM, THEY WON'T
5 BOTHER YOU. IF YOU DECIDE YOU DO WANT TO TALK TO THEM, THE
6 ONLY THING I ASK IS THAT YOU RECALL YOUR DELIBERATIONS WERE
7 CONFIDENTIAL, SO YOU MAY ONLY WANT TO SAY WHAT YOU THOUGHT
8 WAS IMPORTANT TO YOU OR UNIMPORTANT TO YOU, AND LET YOUR
9 OTHER JURORS SAY WHAT THEY THOUGHT WAS IMPORTANT TO THEM OR
10 NOT IMPORTANT TO THEM. AGAIN, THAT'S STRICTLY UP TO YOU.

11 AGAIN, IF I HAD THE AUTHORITY I WOULD EXCUSE YOU
12 FROM FURTHER JURY SERVICE. I CAN'T DO THAT.

13 AND I ALSO WANT TO APOLOGIZE FOR THE MISESTIMATE OF
14 THE TIME. I HAD NO WAY OF KNOWING WE WERE GOING TO HAVE A
15 FIRE DRILL AND THAT KIND OF MESSED US UP. THAT'S ONE OF THE
16 THINGS THAT GO ON IN LIFE. HAVE A VERY NICE REST OF THE
17 AFTERNOON, FOLKS, AND THANK YOU VERY MUCH.

18 (JURY EXITS COURTROOM.)

19 THE COURT: ALL RIGHT. THE RECORD SHOULD REFLECT
20 ALL MEMBERS OF THE JURY HAVE LEFT THE COURTROOM. SENTENCING
21 DATE, MADAM CLERK?

22 MADAM CLERK: FEBRUARY 7TH, AT 9:00 A.M.

23 THE COURT: MR. FAKHOURY, MR. PETERSON, IS THAT
24 DATE AGREEABLE?

25 MR. FAKHOURY: THAT'S FINE WITH ME, YOUR HONOR.

1 MR. PETERSON: YES, YOUR HONOR.

2 THE COURT: MR. MILLER?

3 MR. MILLER: YES.

4 THE COURT: MR. LEAL, IS THAT DATE ALL RIGHT WITH
5 YOU, SIR?

6 THE INTERPRETER: FEBRUARY THE 7TH?

7 THE COURT: FEBRUARY 7TH, AT 9:00 O'CLOCK.

8 THE DEFENDANT: YES.

9 THE COURT: OKAY. SEE YOU THEN. THANK YOU. WE'RE
10 IN RECESS.

11 MR. PETERSON: THANK YOU, YOUR HONOR.

12 THE COURT: YOU BET.

13 (WHICH WERE ALL THE PROCEEDINGS
14 HELD IN THE ABOVE-ENTITLED CAUSE.)
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